

BEFORE THE BOARD OF ZONING ADJUSTMENT, D.C.

Application No. 12185 of Devra Cohen Marcus, pursuant to Sub-section 8207.11 of the Zoning Regulations, for an area variance from the lot occupancy requirements (Sub-sections 3303.1 and 7107.21) to permit a rear addition to a dwelling which is a nonconforming structure in the R-4 district at the premises 2719 Woodley Place, N.W. (Lot 100, Square 2206).

HEARING DATE: July 21, 1976  
DECISION DATE: September 28, 1976

FINDINGS OF FACT:

1. The property is a row dwelling located in a R-4 district subject to a lot occupancy percentage requirement of 60% (Sub-section 3303.1).
2. The area of lot 100 is 1,800 square feet with a current lot occupancy of 1,457.80 square feet, 257.80 square feet in excess of the 60% requirement.
3. Applicant contracted for the services of Michael Cooke to construct a deck at the rear of the subject property.
4. The contractor applied for and received a building permit allowing the construction of the deck based upon the then existing survey of the D.C. Surveyor. That survey failed to recognize the construction of a rear porch, which is currently enclosed, subsequent to the construction of the original house.
5. A survey after the construction of the new deck disclosed that the prior porch exceeded permissible occupancy by 17.80 square feet and the new deck exceeded permissible occupancy by 240.00 square feet.
6. Applicant and her contractor relied upon the prior survey which failed to disclose excessive occupancy and the District of Columbia, relying upon the same survey, issued a building permit for the new deck.
7. The new deck does not obstruct the light or ventilation of adjacent properties.

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8. Requiring removal of the new deck and portions of the porch in order to bring the percentage of occupancy down to 60% would operate as an undue hardship upon applicant.

9. Advisory Neighborhood Commission 3c has recommended approval of the application.


CONCLUSIONS OF LAW AND OPINION

The Board concludes that the requested variance is an area variance requiring a showing of practical difficulty. The Board concludes that exceptional situation and condition of the subject property does create such a practical difficulty. The Board concludes that the granting of this variance would not have an adverse impact on the neighborhood and there is no detriment to the public good. It is therefore ORDERED that the application be GRANTED.

VOTE: 3-0 (Leonard L. McCants, Esq., William F. McIntosh and William S. Harps, with Lilla Burt Commings, Esq., present but not voting and Ruby B. McZeir, Esq., not present, not voting)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:

  
ARTHUR B. HATTON  
Executive Secretary

FINAL DATE OF ORDER: 3-22-77

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS ONLY UNLESS APPLICATION FOR A BUILDING AND/OR OCCUPANCY PERMIT IS FILED WITH THE DEPARTMENT OF ECONOMIC DEVELOPMENT WITHIN A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER.